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In the Supreme Court of the United States.

OCTOBER TERM, 1924. No. 629.

The Pennsylvania System Board of Adjustment of The Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, Appellant,

against

The Pennsylvania Railroad Company, Samuel Rea, W. W. Atterbury, Elisha Lee, George L. Peck, C. S. Krick, M. W. Clement, T. B. Hamilton and I. W. Greer, Appellees.

ANSWER OF APPELLEES TO APPELLANT'S MOTION TO ADVANCE.

The decision of the United States Circuit Court of Appeals for the Third Circuit in this proceeding, reported in 296 Federal Reporter 218, affirming the decree of the District Court dismissing the Bill, followed and is based upon the decision of this Court in Pennsylvania Railroad Company *vs.* United States Labor Board, 261 U. S. 72, involving the construction of Title III of the Transportation Act, wherein the substantial questions involved in this proceeding were determined, particularly with respect to the right of the body of employees to act as a unit through their representatives, the Court in that case saying (page 84):

"The counsel for the Company insist that the right to deal with individual representatives of its employees as to rules and working conditions is an inherent right which cannot be constitutionally taken from it. The employees, or at least those who are members of the labor unions, contend that they have a lawful right to select their own representatives, and it is not within the right of the Company to restrict them in their selection to employees of the Company or to forbid selection of officers of their labor unions qualified to deal with and protect their interests. This statute certainly does not deprive either side of the rights claimed.

"The jurisdiction of the Board to direct the parties to do what it deems they should do is not to be limited by their constitutional or legal right to refuse to do it. Under the Act there is no constraint upon them to do what the Board decides they should do except the moral constraint, already mentioned, of publication of its decision. * * * The statute does not require the Railroad Company to recognize or to deal with, or confer with labor unions. It does not require employees to deal with their employers through their fellow employees."

So far, therefore, as weight should be given to the reasons stated by the appellant for the advance of the cause, that Congress should be advised in contemplated legislation of the construction of this Court of Title III with respect to the matters stated in the Motion, such construction is definitely declared in the case above cited, and it is respectfully submitted that for the purpose suggested in the Motion no decision of the Court is presently required.

For these reasons it is respectfully urged that the Motion to advance the case for hearing be denied.

JOHN HAMPTON BARNES,
For Appellees.